

Message Text

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ACTION ARA-20

INFO OCT-01 ISO-00 L-03 CIEP-02 TRSE-00 EB-11 COA-02

CIAE-00 INR-10 NSAE-00 RSC-01 COME-00 H-03 OPIC-12

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 9311

C O N F I D E N T I A L LIMA 2123

E.O. 11652: GDS

TAGS: EFIN, EFIS, BDIS, PE

SUBJ: STARKIST CONSUMO HUMANO PROBLEM

REF: STATE 50581

1. COOKLIN OF STARKIST INFORMED EMBASSY OFFICER MARCH 18 THAT AT MEETING WITH MINISTER OF FISHERIES TANTALEAN AT 10:00 TODAY RE CONSUMO HUMANO PROBLEM, TANTALEAN TOLD STARKIST REPRESENTATIVES THAT HE BELIEVES GOP WILL RESOLVE MATTER IN STARKIST'S FAVOR. TANTALEAN SAID THAT HE HAD DISCUSSED MATTER WITH PRIME MINISTER MERCADO JARRIN MARCH 17 AND THAT BOTH HE AND THE PRIME MINISTER ARE FAVORABLY INCLINED TOWARD STARKIST POSITION; I.E. THAT STARKIST IS THE LEGAL OWNER OF CONSUMO HUMANO ASSETS OF COISCHO WHICH IT WILL USE AS ITS CONTRIBUTION TO JOINT VENTURE IN NEW COMPANY, EMPRESA PESQUERA ESTRELLA DEL PERU, COPES. TANTALEAN TOLD REPRESENTATIVES THAT HE AND FIVE OTHER INTERESTED MINISTERS ARE MEETING TONIGHT, AND THAT HE BELIEVES THE SIX WILL BE ABLE REACH AGREEMENT TO JOINTLY RECOMMEND TO THE COUNCIL OF MINISTERS MEETING TOMORROW THAT IT AUTHORIZE STARKIST AT THAT TIME TO USE ITS CONSUMO HUMANO ASSETS AS ITS CONTRIBUTION TO COPES.

2. THIS LATEST NEWS IS HEARTENING IN VIEW OF PREVIOUS
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DISCUSSION MARCH 16 THAT TANTALEAN HAD WITH STARKIST

PEOPLE, DURING WHICH HE SAID THAT LEGAL PROBLEMS OVER OWNERSHIP OF ASSETS WOULD HAVE TO BE RESOLVED AT HIGHER LEVEL, BUT WITHOUT ANY ASSURANCE THAT IT WOULD BE IN STARKIST'S FAVOR. ON MARCH 16, JOHN REAL OF STARKIST TOLD THE AMBASSADOR THAT STARKIST WOULD BE WILLING TO ACCEPT A "BINDING AGREEMENT" FOR EFFECTIVE USE OF ASSETS IN LIEU OF LEGAL OWNERSHIP, BUT STARKIST REPRESENTATIVE TODAY TOLD EMBASSY OFFICER THAT STARKIST WILL NOT SETTLE FOR ANYTHING LESS THAN ABSOLUTE OWNERSHIP OVER ASSETS AS THEIR PART IN NEW VENTURE. THE AMBASSADOR HAD TRIED TO REACH BOTH TANTALEAN AND MERCADO JARRIN ON THIS ISSUE BUT HAD NOT BEEN SUCCESSFUL, ALTHOUGH STARKIST REPRESENTATIVES NOT AWARE OF LATTER POINT. THE AMBASSADOR HAS JUST CONFIRMED AN APPOINTMENT WITH TANTALEAN FOR 11:00 A.M., WEDNESDAY, MARCH 20.)

3. COMMENT: STARKIST REPRESENTATIVES ORIGINALLY SPECULATED THAT TANTALEAN WOULD NOT WISH TO MAKE UNILATERAL DECISION WHICH IN FACT APPEARS TO BE CASE. WE GATHER THAT OPPOSITION TO ADMITTING STARKIST HAS OWNERSHIP RIGHTS HAD COME FROM UPPER-LEVEL BUREAUCRATS IN PESCAPERU AND POSSIBLY ELSEWHERE, WHO READ THE ORIGINAL DECREE LAW 20000 AND FOLLOWING IMPLEMENTING LEGISLATION LITERALLY TO IMPLY ALL OWNERSHIP RESIDES WITH GOP. EMBASSY LAWYER, IN THIS REGARD, ADVISES US THAT STRICT INTERPRETATION OF LEGAL TERMS INVOLVED DOES NOT REPEAT NOT IMPLY STARKIST HAS ACCESS TO OWNERSHIP OF CONSUMO HUMANO ASSETS. IT APPEARS, HOWEVER, THAT IN FINAL ANALYSIS, TANTALEAN, PROBABLY WITH SUPPORT FROM PRIME MINISTER, DOES NOT WISH TO FORCE STARKIST OUT OF PERU AND THAT BROADER DESIRE OF GOP TO AVOID EXACERBATING RELATIONSHIPS WITH USG MAY HAVE WON THE DAY. IF FINAL DECISION IS NOT FAVORABLE, HOWEVER, AND THE AMBASSADOR SHOULD FIND THIS OUT MARCH 20, THEN OTHER ISSUES CAN BE CONSIDERED.

BELCHER

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